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Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

AMELITA P. FERNANDEZ,
Debtor(s)

BK-S-16-13222-MKN
Chapter 13

Date: August 22, 2018
Time: 1:30 p.m.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

The above-named debtor, by and through her attorney of record, Kenneth K. Liu, Esq., files this opposition to the Motion for Relief from Automatic Stay filed by SRP 2013-4, LLC and states as follows:

On June 13, 2016, Debtor sought Chapter 13 bankruptcy relief and was renting the property located at 8831 Mia Moore Ave., Las Vegas, NV 89147 from her daughter, Donna Fernandez-Abat. About one and one-half years after her bankruptcy filing, the daughter added Debtor's name to the deed via a quitclaim without any consideration on January 18, 2018. The reason Donna quitclaimed her interest was to ensure that her interest in said property would go to her mother in case something tragic should happen to her. The quitclaim has since been reversed.

SRP 2013-4, LLC does not have any grounds for relief from the automatic stay as Debtor never executed any loan relating to the Mia Moore Ave property. In addition, the quitclaim from Debtor's daughter to the Debtor has been reversed.

Furthermore, in its motion for relief from the automatic stay, SRP 2013-4, LLC alleges that Donna executed and delivered a note to Wachovia Mortgage dated February 26, 2008, in the original principal amount of \$225,000, as evidenced by Exhibit "1" in its motion. However, the note identified as Exhibit "1" is a note between Donna and New Century Mortgage, and not

1 Wachovia Mortgage. As stated in the Affidavit of Donna Fernandez-Abat, attached hereto as
2 Exhibit "A," she has never had any dealings with Wachovia Mortgage. She had a first and
3 second mortgage loan with New Century Mortgage, which were subsequently consolidated into
4 one loan with Ocwen. Moreover, Movant never provided any documentation demonstrating that
5 Donna executed a note with Wachovia Mortgage. The note attached to its motion is with New
6 Century Mortgage and not Wachovia Mortgage; the loan amount was for \$90,000 and not
7 \$225,000; and the note was dated November 9, 2006 and not February 26, 2008. Since Debtor
8 never executed any debt obligations on the Mia Moore Ave property, there is no grounds for
9 relief from the automatic stay.

10 Debtor's daughter, Donna, disputes SRP 2013-4, LLC's contention that her mortgage
11 monthly payment is \$796.48, and that she is 24 payments behind on her mortgage payments.
12 Donna asserts that her monthly mortgage payment is \$1,248.47, and that she is current with her
13 obligation to Ocwen. (See affidavit of Donna Fernandez-Abat attached hereto as Exhibit "A.")

14 Accordingly, Debtor requests that SRP 2013-4, LLC's Motion for Relief from Automatic
15 Stay be denied.

16 DATED this 7th day of August, 2018.

17
18 By /s/ Kenneth K. Liu
19 KENNETH K. LIU, ESQ.
20 Nevada Bar #4466
21 819 South Sixth Street
22 Las Vegas, NV 89101
23 Attorneys for Debtor
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the Debtors' opposition to Motion for Relief from Automatic Stay in the above-entitled case was mailed by me the 7th day of August, 2018, by depositing a copy thereof, first-class postage prepaid, in the United States Mail, to the parties listed below:

Jennifer Bergh, Esq.
The Law Offices of Michelle Ghidotti
8716 Spanish Ridge Ave., #115
Las Vegas, NV 89148

Dated: 7th day of August, 2018.

/s/ Kenneth K. Liu
An employee of Law Offices of Kenneth K. Liu

AFFIDAVIT

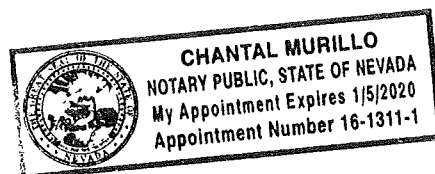
I, Donna Fernandez-Abat, state that I am the owner of the real property located at 8831 Mia Moore Ave., Las Vegas, NV 89147. I originally had a first and second mortgage loans both with New Century Mortgage. The loans were subsequently consolidated into one loan with Ocwen. I have never ever had any dealings with Wachovia Mortgage. I am current with my monthly mortgage obligations to Ocwen, and my monthly mortgage payment is \$1,248.47. A copy of my most recent payment history that I can retrieve is attached. I was surprised that the motion for relief from the automatic stay contends that my monthly payment is \$796.48 and that I am 24 payments behind.

At the time my mother, Amelita Fernandez, filed her chapter 13 bankruptcy on June 13, 2016, she was renting the Mia Moore property from me. Out of an abundance of caution, I added my mother's name to the deed via a quitclaim deed on January 18, 2018, just in case some unforeseen tragedy should happen to me. The quitclaim deed has since been reversed.

Donna Abat
Donna Fernandez-Abat Date

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

Signed and sworn to (or affirmed) before me on 7th day of August, 2018, by Donna Fernandez-Abat.



Amurillo
Notary Public

EXHIBIT "A"



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Welcome
 Donna Mae Fernandez
 Abatl

[My Profile](#)**Loan Number:****0031**

Get Loan

 8831 Mia Moore Ave
 Las Vegas, NV 89147-6509
**MESSAGES**
 You have:
 No new items
**LOAN MODIFICATION**

Upload Documents



PAYMENT HISTORY

To view / print a Payment History select the data range and view option, then click the OK button

Period:From To

Date range selected should not be greater than 1 year at a time

View Option:

Select an option

Payment Received Date	Description	Amount Applied
05/29/2018	Payment	\$1,248.47
04/30/2018	Payment	\$1,248.47
03/27/2018	Payment	\$1,250.00
02/24/2018	Payment	\$1,248.47
12/29/2017	Payment	\$1,248.47
12/29/2017	Payment	\$1,223.28
11/28/2017	Payment	\$1,269.50
10/28/2017	Payment	\$1,223.28
07/27/2017	Payment	\$1,361.91
07/27/2017	Payment	\$1,223.28
07/27/2017	Payment	\$1,176.56

*Note: To view and print the downloaded document, you need Adobe Acrobat Reader. This is free software that lets you read and print Adobe Portable Document Format (PDF) files.

If you do not have Adobe Acrobat Reader or are unsure whether you have it, please visit the Adobe web site for the latest download.

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Understand routine fees that may apply to your loan.

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Understand the details of any payment changes that have occurred on your loan.

Notify Ocwen that I made a Payment

Let us know about payment you've already made.